

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 14-20 were examined and rejected. Claims 1-13 were previously cancelled.

By this Amendment, the cross-reference section has been updated, the abstract has been amended, claims 14-20 have been cancelled without prejudice and new claims 21-33 have been added. Support for the newly added claims is found throughout the specification and in the originally filed claims. Accordingly, no new matter has been added.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

Objection to the Abstract

The abstract was objected to due to the inclusion of certain objectionable language. The abstract has been amended to eliminate the objectionable language. Withdrawal of the objection is respectfully requested.

Objection to the Specification

The Cross Reference section was objected to as it was not updated to reflect the issuance of the parent application to which this application claims priority. Appropriate correction has been made. Withdrawal of the objection is respectfully requested.

Rejections Under §112

Claims 14-16 were rejected under 35. U.S.C. §112, second paragraph, as being indefinite. While these claims have been cancelled, the newly presented claims do not include the offending language addressed in the rejections.

Rejections Under Obviousness-Type Double Patenting

Claims 14-20 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 7-11 and 13-17 of U.S. Patent No. 6,673,617. While Applicants have cancelled claims 14-20, they nonetheless submit a Terminal Disclaimer herewith in order to expedite prosecution of this application.

Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number LIFE-064CON.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 7/27/04

By: 
Carol M. LaSalle
Registration No. 39,740

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231